

Rishi Kapoor
VENABLE LLP
Rockefeller Center
1270 Avenue of the Americas, 24th Floor
New York, New York 10020
Telephone: (212) 307-5500
Facsimile: (212) 307-5598
Email: rkapoor@venable.com

Hearing Date/Time:
November 5, 2019 at 11:30 a.m.

Objection Deadline:
October 29, 2019 at 5:00 p.m.

Counsel for Diatomite Corporation of America

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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| ----- | X | |
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| In re: | : | Chapter 11 |
| | : | |
| Virginia True Corporation, | : | Case No.: 19-42769 (NHL) |
| | : | |
| Debtor. | : | |
| | : | |
| ----- | X | |
| | : | |
| Virginia True Corporation, | : | |
| | : | |
| Plaintiff, | : | Adv. Pro. No.: 19-01118 (NHL) |
| | : | |
| v. | : | |
| | : | |
| Anthony Cipollone and Domenick Cipollone, | : | |
| | : | |
| Defendants. | : | |
| | : | |
| ----- | X | |

**NOTICE OF MOTION OF DIATOMITE CORPORATION OF AMERICA
TO INTERVENE IN ADVERSARY PROCEEDING**

PLEASE TAKE NOTICE that the Motion of Diatomite Corporation of America to Intervene in Adversary Proceeding (the “Motion”)¹ shall be considered at the hearing to be held in the above-captioned adversary proceeding (the “Adversary Proceeding”) before the Honorable

¹ Capitalized terms not defined herein have the same definitions as set forth in the Motion.

Nancy H. Lord (the “Bankruptcy Judge”) at the United States Bankruptcy Court for the Eastern District of New York (the “Bankruptcy Court”), 271-C Cadman Plaza East, Suite 1595, Brooklyn, NY 11201 on **November 5, 2019 at 11:30 a.m. (prevailing Eastern Time)** (the “Hearing”).

PLEASE TAKE FURTHER NOTICE that, by this Motion, Diatomite requests entry of an Order in the form attached to the Motion as **Exhibit A** authorizing Diatomite to intervene in, and join and adopt the claims asserted in, the Adversary Proceeding.

PLEASE TAKE FURTHER NOTICE that the Motion has been electronically filed with the Clerk of the Bankruptcy Court and, as such, may be examined and inspected by accessing the Court’s website (<https://www.nyeb.uscourts.gov>).

PLEASE TAKE FURTHER NOTICE that responses or objections, if any, to the relief requested in the Motion must be in writing, must comply with the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and the Local Bankruptcy Rules for the Eastern District of New York (the “Local Bankruptcy Rules”), must describe the basis for the response or objection and the specific grounds therefor, and must be filed with the Bankruptcy Court electronically and served, so as to be actually received no later than **October 29, 2019 at 5:00 p.m. (prevailing Eastern Time)** (the “Opposition Deadline”), on (a) counsel for Debtor/Plaintiff, Douglas J. Pick, Pick & Zabicki LLP, 369 Lexington Avenue, 12th Floor, New York, NY 10017, dpick@picklaw.net; (b) counsel for Intervenor Diatomite, Rishi Kapoor, Venable LLP, 1270 Avenue of the Americas, 24th Floor, New York, NY 10020, rkapoor@venable.com; (c) counsel for Defendants, Stephen Z Starr, Starr & Starr, PLLC, 260 Madison Ave., 17th Fl., New York, NY 10016, stephenstarr@starrandstarr.com; (d) the United States Trustee, U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, NY 10014; and (f) all other parties who have requested notice. A courtesy copy of such written response or objection must also be delivered to

the Bankruptcy Judge's chambers simultaneously with service of the response or objection.

PLEASE TAKE FURTHER NOTICE that if no objections or other responses are timely filed and served with respect to the Motion, the Motion shall be deemed unopposed, and the Bankruptcy Court may enter an Order, substantially in the same form as the Proposed Order submitted with the Motion, granting the Motion with no further notice or opportunity to be heard.

PLEASE TAKE FURTHER NOTICE that the Hearing may be continued or adjourned from time to time without further notice, other than an announcement of the adjourned date or dates at the Hearing or at a later hearing.

Dated: New York, New York
October 9, 2019

VENABLE LLP

By: /s/ Rishi Kapoor
Rishi Kapoor
Rockefeller Center
1270 Avenue of the Americas, 24th Floor
New York, New York 10020
Telephone: (212) 307-5500
Facsimile: (212) 307-5598
Email: rkapoor@venable.com

Counsel for Diatomite Corporation of America